

Tompkins Township Ordinance #42

Tompkins Township Motor Vehicle Storage and Litter Ordinance

Adopted: January 7, 1992

Effective: Thirty days following publication

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Tompkins, Jackson County, Michigan, by the regulation of the outdoor storage of inoperable motor vehicles and litter upon public and private property within the Township; to provide criminal penalties and civil remedies for the violation of this ordinance; and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF TOMPKINS, JACKSON COUNTY, MICHIGAN ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the “Tompkins Township Motor Vehicle Storage and Litter Ordinance.”

SECTION II

PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage of litter and inoperable motor vehicles and motor vehicle parts within the Township; to avoid injury and hazards to children and others attracted to such objects; to prevent degradation of the environment caused by such objects; and to minimize the devaluation of property values and the psychological ill affects of the presence of such vehicles and parts upon adjoining residents and property owners.

SECTION III

DEFINITION

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. “Inoperable Motor Vehicle” shall mean a motor vehicle in which any of the following conditions exists:
 - 1. It is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - 2. It does not have all of its main component parts properly attached.
 - 3. Any other or additional conditions exist which caused the vehicle to be incapable of being driven under its own power and, where such vehicle is designed to be operated on public streets, lawfully upon the public streets.
- B. “Litter” shall mean all garbage, junk, scrap and waste materials including rags, cartons, paper, cans, bottles, batteries, broken or discarded plaster, concrete, or brick building materials, scrap metal, and any of the following products or parts thereof which are damaged, deteriorated, or otherwise in such a condition that the

product cannot be used for the purpose for which it was manufactured:

- (i). Machinery
 - (ii). Trailers
 - (iii). Appliances
 - (iv). Furniture
- C. “Main Component Parts” shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and with respect to vehicles designed to operate on public streets, all such other parts or equipment as are necessary for the vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.
- D. “Person” shall mean an individual, firm, corporation or other entity of any kind.

SECTION IV REGULATIONS - STORAGE OF INOPERABLE MOTOR VEHICLES

No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises within the Township of Tompkins, owned, leased, rented, occupied or possessed by such person any inoperable motor vehicle or used motor vehicle parts unless one or more of the following conditions exist:

1. Such vehicle or parts are located in a duly licensed and properly zoned junkyard or car dealer’s lot or storage yard, where such use or operation is legally authorized under the Tompkins Township Zoning Ordinance, and is conducted in conformance therewith.
2. Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Tompkins Township Zoning Ordinance and applicable State law.
3. Such vehicle although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached and is not in any manner a dismantled vehicle; provided that the premises shall not contain any such vehicle for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicle and notwithstanding that no one such vehicle remains upon the premises for more than said 14 day period.
4. Such vehicle or parts are located not less than 1500 feet from any public or private road or neighboring residential dwelling.
5. Such vehicle or parts are fully screened from the view of persons standing on adjoining public or private roads and the ground level or adjoining properties by natural objects, plantings, fences, or other appropriate means. A plan showing the type and location of such screening shall be presented to and approved by the Tompkins Township Planning Commission as being in compliance with this provision.

SECTION V REGULATIONS - LITTER

- A. It shall be unlawful for any person, without the consent of the public authority having supervision of the public property or the owner of the private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing,

placing, throwing or leaving of litter on any public or private property or waters within the Township of Tompkins other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or timberlands or vacant or unimproved lands. It is unlawful for a person who removes a vehicle wrecked or damaged in an accident on a highway, road, or street to fail to remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

- B. It shall be unlawful for any person to aid, assist or abet another to violate any of the provisions of the within ordinance.
- C. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter upon such premises, subject to the following exceptions:
 - 1. Such litter is temporarily stored outdoors for longer than any period which would cause the same to be odoriferous of a breeding place for insects or rodents, whichever is the lesser period.
 - 2. Such litter is located in a duly licensed and properly zoned junkyard or landfill where such used or operations are legally authorized under the Tompkins Township Zoning Ordinance.
 - 3. Such litter is located not less than 1500 feet from any public or private road or neighboring residential dwelling.
 - 4. Such litter is fully screened from the view of persons standing on adjoining public or private roads and the ground level of adjoining properties by natural objects, plantings, fences, or other appropriate means. A plan showing the type and location of such screening shall be approved by the Tompkins Township Planning Commission as being in compliance with this standard.
- D. The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property, or waters as defined in Subsection A above.

SECTION VI NUISANCE

Any motor vehicle or litter storage activities in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to fines and penalties herein provided for.

SECTION VII COMPLIANCE WITH ZONING ORDINANCE

This ordinance shall be deemed to be supplementary to any applicable provisions of the Tompkins Township Zoning Ordinance and shall not be deemed to relieve any party from the obligation to comply fully with the provisions of said Zoning Ordinance.

SECTION VIII

AMENDMENT TO TOMPKINS TOWNSHIP MOTOR **VEHICLE STORAGE AND LITTER ORDINANCE** **11/7/2002**

Section VIII of the Tompkins Township Motor Vehicle Storage and Litter Ordinance (Ordinance No. 42) is hereby amended to read as follows:

SANCTIONS

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall be deemed a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Tompkins Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered per violation. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

SECTION IX SEVERABILITY

Should any section or part thereof of this ordinance be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this ordinance.

SECTION X REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, including the Tompkins Township Junkyard Ordinance adopted previously, are hereby repealed.

SECTION XI EFFECTIVE DATE

This ordinance shall take effect 30 days following the publication thereof.

Phyllis Mead, Clerk
Tompkins Township

Amended 11/7/2002:
Melanie Curran, Clerk
Tompkins Township